

REMARKS

This Amendment is being filed in response to the Office Action dated April 28, 2004. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in this application. Claims 1, 14, and 20 are independent claims.

In the Office Action, Claims 1-10, 12-17, 19, and 20 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,978,523 to Linford ("Linford"). Claim 11 and 18 are rejected under 35 U.S.C. §103(a) as unpatentable over Linford in view of U.S. Patent No. 6,583,823 to Shimada ("Shimada").

Linford is merely a system for enabling a user to visualize modifications to an image such as changes in the size of the nose of an image of a person or changes in chin size etc. Linford is intended to enable a person contemplating plastic surgery to visualize the effects of the surgery on the image. These alterations in Linford do not correspond to "an image defect matte indicating areas of said image that contain image errors" as required by each of the currently pending claims. In Linford, there is no discussion of errors in the image since Linford does not disclose or suggest a system for repairing an image again as required by each of the pending claims. Admittedly Linford does have a user interface that visualizes changes between an original

image and an altered image (e.g., in Linford, the modified areas may be highlighted). But again, these modifications are not repairs of the image, they are merely modifications as discussed above (e.g., see, Linford, FIGs. 14C and 14D and the accompanying descriptions in Col. 21, lines 31-42).

Accordingly, Linford does not disclose or suggest (emphasis provided) "[a] method for repairing an image, comprising the steps of ... presenting said user with an image defect matte indicating areas of said image that contain image errors, said image defect matte allowing said user to graphically specify one or more changes to be made to said image" as required by Claim 1 and as substantially required by Claims 14 and 20.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 14, and 20 are patentable over Linford and notice to this effect is earnestly solicited. Claims 2-13 and 15-19 respectively depend from one of Claims 1 and 14 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the pending dependent claims.

For example, Linford also does not disclose or suggest "wherein said image defect matte is an array of elements, each of said elements assuming one of several possible values representing different degrees of repair between said image and a repaired image" as essentially required by Claims 2 and 15. The section

cited in Linford merely indicates that a color may be selected from a color pallete for indicating changes to the image. All changes, whether small or large would be indicated by the selected color of Linford. Clearly in Linford the color does not represent different degrees of repair as required; Linford does not disclose or suggest "wherein said image defect matte indicates each of said different possible values using a color mapping with different colors corresponding to each of said different possible values" as required by Claim 4. The section cited in Linford merely indicates that a changed area of an image may be highlighted; and Linford does not disclose or suggest "wherein said image defect matte indicates portions of an original image having one or more proposed error corrections for a current iteration" as required by Claim 9. The figure cited in Linford merely indicates areas of modifications but as discussed in detail above, these are not modifications corresponding to error corrections of the image.

Based on the foregoing, the Applicants respectfully submit that Claims 2-13 and 15-19 are allowable for at least reason of dependence on the allowable independent claims as well as for the separately patentable elements contained in each of the dependent claims. Accordingly, separate consideration and allowance of Claims 2-13 and 15-19 is respectfully requested.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Please charge any additional fees which may be necessitated by entrance of this amendment, and credit any overpayment, to Deposit Account No. 14-1270.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

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On July 28, 2004

By Gregory L. Thorne
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